

Van Zandt County - District Clerk

Malisa Chaney

CAUSE NO. 16-00142

JAMES HALL,
Plaintiff,

v.

PAUL BARNETTE AND B&N
CONTRACTORS,
Defendants.

§ IN THE DISTRICT COURT
§
§ 294
§ ____ JUDICIAL DISTRICT
§
§
§
§ VAN ZANDT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, James Hall, Plaintiff, and files Plaintiff's Original Petition and Request for Disclosure, complaining of Defendants, Paul Barnette and B&N Contractors, and would show unto the Court as follows:

I. SELECTION OF DISCOVERY LEVEL

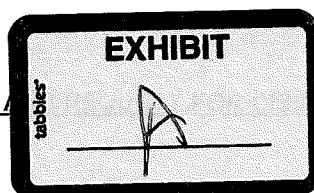
1. This suit is governed by discovery control plan II under Rule 190.3 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff, James Hall, is an individual whose address is 423 Harrison Lane, Hurst, TX 76053.

3. Defendant, Paul Barnette, is an individual who resides at 459 Elmore Moore Road, Shongalo, LA 71072 and may be served with process at that address or wherever he may be located. He may be served through the Transportation Commission. Citation is requested for this Defendant and service will be completed by a private process server.

4. Defendant, B&N Contractors, conducts business in Texas but does not maintain a registered agent in the state of Texas. B&N Contractors is located at 152

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

OSURE - Page 1



I certify this to be a true and correct copy of the original on file in the District Clerk's Office, Van Zandt County, Texas.

Amber K. Kuehn

Danny Mills Lane, Haynesville, LA 71038. This Defendant may be served through the Texas Secretary of State. Citation is requested for this Defendant and service will be completed by a private process server.

III. JURISDICTION AND VENUE

5. The Court has jurisdiction over the subject matter, because the damages are within the statutory jurisdictional limits of the Court.

6. Venue is proper in Van Zandt County, Texas because all or a substantial part of the events giving rise to this cause of occurred in that county.

III. FACTS

7. This lawsuit results from an automobile collision that occurred on or about July 2, 2015 on eastbound IH-20. Defendants followed Plaintiff too closely, striking the rear of Plaintiff's vehicle. As a result of the impact, Plaintiff suffered bodily injury.

IV. NEGLIGENCE

8. At the time of the accident, Defendant, Paul Barnette, was operating his vehicle negligently. Additionally, at the time of the collision Defendant Barnette was acting in the course and scope of his employment with B&N Contractors. Specifically, Defendant Barnette and B&N Contractors vicariously had a duty to exercise ordinary care and operate the vehicle reasonably and prudently. Defendant Barnette and B&N Contractors vicariously, breached this duty in one or more of the following ways:

- a. Failure to maintain a proper lookout;
- b. Failure to make such application of the brakes as a person using ordinary care would have made;



- c. Failure to maintain proper control of the vehicle under the conditions then and there existing;
- d. Traveling at an unsafe speed; and
- e. Failure to maintain an adequate distance between the vehicle and the vehicle driven by Plaintiff.

VI. RESPONDEAT SUPERIOR

9. At the time of the accident, Defendant Barnette was the agent, servant and employee of B&N Contractors and was acting within the scope of his authority as such agent, servant and employee. Defendant B&N Contractors is liable to Plaintiff for the negligence of Defendant Barnette.

VII. DAMAGES

10. As a proximate result of Defendants' negligence, Plaintiff suffered bodily injury. Plaintiff suffered the following damages:

- a. Physical pain and mental anguish in the past and future;
- b. Medical expenses in the past and future;
- c. Physical impairment;
- d. Lost wages; and
- e. Property damage.

VIII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, James Hall, respectfully requests that Defendant Paul Barnette and B&N Contractors, be cited to appear and answer, and on final trial, that Plaintiff have judgment against Defendants for:

- a. Actual damages;



- b. Prejudgment and post judgment interest as allowed by law;
- c. Costs of suit;
- d. Monetary relief over \$200,000.00 but not more than \$1,000,000.00; and
- e. Any further relief, either in law or equity, to which Plaintiff is justly entitled.

IX. REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, please disclose all information identified in Rule 194.2(a)-(l).

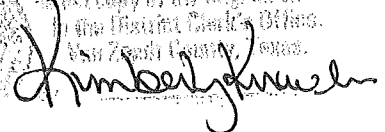
Respectfully submitted,

The Kashar Law Firm, P.C.
3010 LBJ Freeway, Ste. 1200
Dallas, TX 75234
Telephone: (972) 888-6018
Facsimile: (469) 249-9074
kashar@kasharlaw.com

/s/ Jennifer Kashar

By: Jennifer Kashar
State Bar No. 24002074

ATTORNEYS FOR PLAINTIFF

I certify this to be a true and correct copy of the original on file in the District Clerk's Office, Tarrant County, Texas.


CAUSE NO. 16-00142

IN THE 294TH DISTRICT COURT OF VAN ZANDT COUNTY, TEXAS

KAREN WILSON, DISTRICT CLERK
VAN ZANDT COUNTY COURTHOUSE
121 E. DALLAS, ROOM 302
CANTON, TEXAS 75103

16 JUN 9 32 AM
JENNIFER KASHAR
3010 LBJ FREEWAY, STE 1200
DALLAS, TX 75234
VAN ZANDT CO. TX

CITATION FOR PERSONAL SERVICE

THE STATE OF TEXAS

NOTICE TO DEFENDANT:

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

TO: B&N CONTRACTORS
152 DANNY MILLS LANE
HAYNESVILLE, LA 71038

BY SERVING TEXAS SECRETARY OF STATE
CITATIONS UNIT - P.O. BOX 12079
AUSTIN, TEXAS 78711

OR WHEREVER MAY BE FOUND

DEFENDANT - GREETING:

You are hereby commanded to appear by filing a written answer to the

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

at or before ten o'clock a.m. on the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable District Court of Van Zandt County, Texas at the Courthouse of said County in Canton, Texas.

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

was filed in said Court on the 16th of MAY, 2016, in this Cause No. 16-00142 on the docket of said court and styled:

JAMES HALL

VS.

B&N CONTRACTORS

The nature of this demand is fully shown by a true and correct copy of the petition, accompanying this citation and made a part hereof.

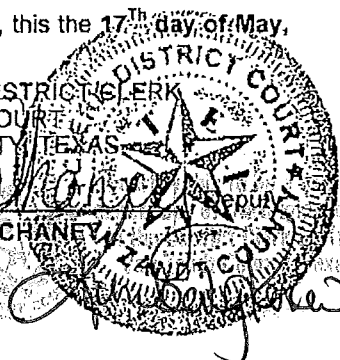
The officer executing this writ shall promptly serve the same according to requirements of law, and mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Canton, Texas, this the 17th day of May, 2016.

KAREN WILSON, DISTRICT CLERK
294TH DISTRICT COURT
VAN ZANDT COUNTY, TEXAS

BY

MALISA CHANEY



RETURN OF SERVICE
16-00142

THE STATE OF TEXAS

294TH DISTRICT COURT

COUNTY OF VAN ZANDT

JAMES HALL

VS

B&N CONTRACTORS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

NAME AND ADDRESS FOR SERVICE:

B&N CONTRACTORS
152 DANNY MILLS LANE
HAYNESVILLE, LA 71038

BY SERVING TEXAS SECRETARY OF STATE
OFFICE OF THE SECRETARY OF STATE
CITATIONS UNIT- P.O. BOX 12079
AUSTIN, TEXAS 78711

OFFICER'S RETURN

Came to hand on the 26th day of May, 2016, at 10 A o'clock AM, and executed in Travis County, Texas by delivering or attempting to deliver to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, at the following times and places, to-wit:

Name	Date/Time	Place and Distance from Courthouse
<u>B&N Contractors</u>	<u>5:23 AM</u>	<u>P.O. Box 12079, Austin, 78711</u>

~~Or not executed as to the defendant:~~ Serving The Texas Secretary of State

~~The diligence used in attempting to find said defendant being:~~ *by Certified Mail #

~~and the cause or failure to execute this process is:~~

~~and the information received as to the whereabouts of said defendant being:~~

FEES:

Serving Petition \$

By: Corina Ann Woods Officer
County, Texas Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE OR CLERK OF THE COURT. In accordance with Rule 107: The officer or authorized person who serves or attempts to serve a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Corina Ann Woods my date of birth is 11-12-89 and my address is 5930 LB J Rwy #800 Dallas TX 75240
(First, Middle, Last)
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in TRAVIS County, State of TX on the 26th day of May, 2016.

Corina Ann Woods
Declarant/Authorized Process Server
10836 3/31/17
(Id # & expiration of certification)



CERTIFIED COPY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

B&N Contractors
90 Texas Secretary of State
Attn: Citations Unit
P.O. Box 12079
Austin, TX, 78711-2079



9590 9403 0857 5215 0435 97

2. Article Number (Transfer from service label)

7012 2920 0000 9607 3325

PS Form 3811, April 2015 PSN 7530-02-000-9053

I certify this to be a true and correct copy of the original on file in the District Clerk's Office.
An Official Court Document

Kimberly...

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

CAUSE NO. 16-00142

IN THE 294TH DISTRICT COURT OF VAN ZANDT COUNTY, TEXAS

KAREN WILSON, DISTRICT CLERK
VAN ZANDT COUNTY COURTHOUSE
121 E.DALLAS, ROOM 302
CANTON, TEXAS 75103

16 MAY 2016
AM 9:32
RECORDED
JENNIFER KASHAR
3010 LBJ FREEWAY, STE 1200
DALLAS TX 75234
BY
KAREN WILSON
VAN ZANDT CO. TX

CITATION FOR PERSONAL SERVICE

THE STATE OF TEXAS

NOTICE TO RESPONDENT:

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

TO: PAUL BERNETTE
459, ELMORE MOORE RD
SHONGALO, LA 71072

OR WHEREVER MAY BE FOUND

DEFENDANT - GREETING:

You are hereby commanded to appear by filing a written answer to the

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

at or before ten o'clock a.m. on the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable District Court of Van Zandt County, Texas at the Courthouse of said County in Canton, Texas.

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

was filed in said Court on the 16th of May, 2016, in this Cause No. 16-00142 on the docket of said court and styled:

JAMES HALL

VS PAUL BERNETTE

The nature of this demand is fully shown by a true and correct copy of the petition, accompanying this citation and made a part hereof.

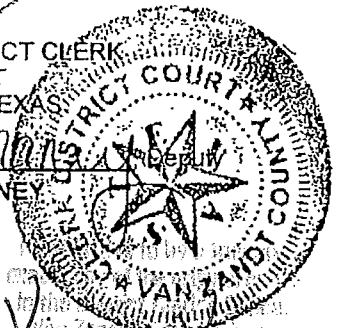
The officer executing this writ shall promptly serve the same according to requirements of law, and mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said court at Canton, Texas, this the 17th day of May, 2016.

KAREN WILSON, DISTRICT CLERK
294TH DISTRICT COURT
VAN ZANDT COUNTY, TEXAS

BY

MALISA CHANEY



RETURN OF SERVICE
16-00142

THE STATE OF TEXAS

294TH DISTRICT COURT

COUNTY OF VAN ZANDT

JAMES HALL

VS

PAUL BERNETTE

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

NAME AND ADDRESS FOR SERVICE:

PAUL BERNETTE
459 ELMORE MOORE RD
SHONGALO, LA 71072

OFFICER'S RETURN

Came to hand on the 17th day of MAY, 2016, at 10 o'clock A.m.,
and executed in TRAVIS County, Texas by delivering or attempting to deliver to each of the
within named defendants in person a true copy of this Citation with the date of delivery endorsed thereon,
together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR

DISCLOSURE, at the following times and places, to-wit:
Name Paul Bernette Date/Time 5-17-16 7:04A Place and Distance from Courthouse 125 E. 11th St. Austin TX, 78701

OR not executed as to the defendant (Serving) The Texas Transportation

The diligence used in attempting to find said defendant being:

At 1011 by Certified Mail # 201229200008 5/10/16 B318

and the cause of failure to execute this process is:

and the information received as to the whereabouts of said defendant being:

FEES:

Serving Petition

\$

Officer

County, Texas

By: Corina A. Woods

Deputy

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.
In accordance with Rule 107, The officer or authorized person who serves, or attempts to serve, a citation shall
sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under
penalty of perjury must contain the statement below in substantially the following form:

"My name is Corina Ann Woods, my date of birth is 11-17-79, and my address is

5930 LBJ Fwy #330, Dallas, TX, 75240
(First, Middle, Last)
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in TRAVIS County, State of TX, on the 26th day of May, 2016

Corina A. Woods
Declarant/Authorized Process Server

10830 3/31/17
(Id # & expiration of certification)



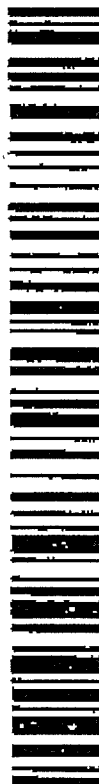
CERTIFIED COPY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paul Barnette
c/o Texas Department of
Transportation
125 E. 11th St.
Austin, TX, 78701



9590 9403 0857 5215 0436 03

9. Article Number (Transfer from service label)

2012 2920 0000 9607 3318

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ AddresseeB. Received by *Randall Todd* Date of Delivery *MAY 23 2016*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail *|||||*
- ☐ Insured Mail Restricted Delivery (over \$500)

☒ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery☐ Restricted Delivery

Domestic Return Receipt